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EXAMINER

PIERCE, DAMON JOSEPH

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Note: although not positively stated in amended listing of claims submitted on 8/6/10, claims 47-49, 51-66, and 68-79 are withdrawn from consideration based on election submitted on 3/6/10.

2. Applicant's arguments filed 8/6/10 have been fully considered but they are not persuasive.

3. Applicants states the following remarks:

(1) The applied combination (of Helbig et al and England et al) fails to teach or to suggest a trusted verification driver that is independent of the operating system or any steps of providing and installing the same (emphasis added); and

(2) Helbig et al reference, England et al do not teach or suggest providing or installing a trusted verification driver that is independent of the operating system and using the trusted verification driver to perform a verification of the operating system and to check to code signature of downloaded software modules or components (emphasis added).

However, regarding the following above remarks:

(1) For purposes of examination, referring to Helbig reference, the trusted operator (see abstract) is interpreted as the trusted verification driver, and the operating system is interpreted as the operating system disclosed in col. 21, 61-63, where col. 21, 27-67, discloses the use of the trusted operator prior to the operating system boot as evidence that the trusted operator is independent of the operating system because the trusted operator is working before the operating system has been initiated.

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In addition, the trusted operator is part of the Security Enhanced Processor Board (SEPB) independent of a component the operating system is a stored on, thus, until time for execution of programs associated with both the SEPB and the operating system, they are independent of each other (see col. 6, 48-60, col. 8, 57-62, and col. 21, 38-39);

(2) Helbig discloses using the trusted verification driver to perform a verification of the operating system according to Fig. 10, 1010 and col. 21, 55-67, where test are performed on components after the operating system is booted. Also, Helbig explicitly discloses the trusted operator performing digital signature verification test in col. 8, 57-62, whereas, England disclosing downloading software, thus, in combination Helbig and England meets the claim limitations of the instant application, because it would have been obvious to a person of ordinary skill in the art to allow the computing device of Helbig to download software of England and have any newly downloaded software verified according to the method taught by Helbig.

/Dmitry Suhol/

Supervisory Patent Examiner, Art Unit 3714